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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.NO.13582 OF 2021

Gajaraj

.. Petitioner

Vs.

State rep. by Inspector of Police,
Kamanaicken Palayam Police Station,
Tiruppur District.
(Crime No.39 of 2020)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the condition imposed in CMP.No.292 of 2021 dated 24.02.2021 that the petitioner has to produce one surety from Tiruppur District.

For Petitioner : Mr.J.Franklin
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

O R D E R

The petitioner was implicated for the offence under Section 454, 457, 380, 120(b) IPC in Cr.No.39 of 2020. He was arrested and remanded to judicial custody. Thereafter, the petitioner has filed application before the Judicial Magistrate, Palladam, for bail and the said Trial Court granted bail and observed that remaining 5 kgs of Gold and Rs.18 lakhs are yet to be recovered and imposed a condition to execute a bond for Rs.1,00,000/- and to furnish two sureties, one surety must be the local one and another surety must be from Rajasthan. Challenging the said condition, the present petition is filed.

2. The learned counsel appearing for the petitioner submitted that the petitioner is a native of Rajasthan and he did not have any relatives in Tiruppur District and therefore, executing local surety is not possible for the possible and prays for modification of the said condition.

3. Considering the facts and circumstances elaborately, this Court is of the view that in the present case on hand, recovery is yet to be made from the accused persons and therefore, the condition imposed by the Trial Court, is just and



reasonable and hence, no modification is required.

4. Accordingly, this Criminal Original Petition is dismissed.

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s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1. The Inspector of Police,
Kamanaicken Palayam Police Station,
Tiruppur District.
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.13582 of 2021

KSM(CO)
PM(06/09/2021)